

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRETT BOND,

Plaintiff,

V.

UNION PACIFIC RAILROAD,

Defendant.

CASE NO. 4:10CV3173

MEMORANDUM AND ORDER

This matter is before the court on its own motion. On August 27, 2010, Plaintiff filed his Complaint without submitting an application to proceed in forma pauperis or a filing fee. (Filing No. 1.) On September 1, 2010, the court directed Plaintiff to either submit a signed application to proceed in forma pauperis, or pay the \$350.00 filing fee, on or before October 1, 2010. (Filing No. 3.) Plaintiff paid the \$350.00 filing fee on September 22, 2010. (See Docket Sheet.) However, Plaintiff has not completed service of process. (*Id.*)

Federal Rule of Civil Procedure 4 requires service of process to be completed within 120 days after a complaint is filed. [Fed. R. Civ. P. 4\(m\)](#). Plaintiff filed his Complaint on August 27, 2010, and had until December 25, 2010, to complete service of process. He failed to do so. Thus, Plaintiff shall have until April 9, 2011, to show cause for his failure to serve Defendant.

IT IS THEREFORE ORDERED that:

1. Plaintiff shall have until April 9, 2011, to show cause why this case should not be dismissed for his failure to serve Defendant. If Plaintiff does not respond, or if good cause is not shown, this action will be dismissed without prejudice and without further notice.

2. The Clerk of the court is directed to set a pro se case management deadline with the following text: April 9, 2011: deadline for Plaintiff to show cause why service of process was not completed.

DATED this 10th day of March, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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